

I have noticed increasingly inflammatory rhetoric from my friends on the other side of the aisle. They have been far too quick to impugn motives and to try and inject divisive politics into the debate over the census.

Mr. Speaker, my job as the chairman of the Subcommittee on the Census is to reflect the interests of the entire House in an honest, reliable, and trusted 2000 census. We are a long way from achieving that type of census.

As soon as we start talking about the substance of how the census will be conducted, someone else wants to talk about politics. When I point that the sampling failed its only test, the response is, the gentleman from Florida (Mr. DAN MILLER) only cares about politics.

When I point out that real Americans who took the time to participate in the census and filled out their forms would have been deleted under a sampling scheme, someone accuses the President of not wanting to count all Americans.

When I point out that Pennsylvania would have lost a congressional seat because of a mistake in the statistical computer model, someone accuses Republicans of trying to deny Federal funds to urban areas.

When I point out the serious policy implications of telling the American people they do not have to participate in the census anymore, the government will figure it out on their own, someone accuses Republicans of only caring about protecting House seats.

Most recently, someone attempted to divide America along racial and ethnic lines. I find this very sad and very disappointing. Earlier this week one staff member with an impeccable record of defending the Voting Rights Act and working to increase minority representation in Congress, State legislatures, and city councils had one comment taken out of context, and one Member on the other side of the aisle sends out a letter entitled, "GOP plays racial politics with the 2000 census."

Mr. Speaker, if the Congress and the administration are going to save the 2000 census from failure, we all need to start talking about substance, not politics. We need to debate the flaws in each other's plans for the census, not publicly guess about each other's motives. My objections to the President's plan are well known. I oppose the use of statistical sampling in the census because it has proved to be less accurate and less reliable.

In 1990, the sample census was found to be less accurate for populations under 100,000, and would have incorrectly taken a seat away from Pennsylvania. Americans who filled out their census forms would have been deleted from the count.

Now the Clinton administration wants to take that failed experiment and increase its size by 5 times, complete it in half the time and with a less trained work force. A less accurate, less fair method is not the proper way to address the serious and difficult

issue of minority undercounts. It takes hard work, innovative thinking, and frankly, more resources. That is the issue that should be debated, and not the political motivations of some individuals on both sides of this debate. I hope this House quickly gets back on the track of saving the 2000 census, and leaves the political sideshows to others.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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#### STATUTE IN SERIOUS NEED OF FIXING

The SPEAKER pro tempore (Mr. DIAZ-BALART). Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor to put the Congress on fair warning that there is a statute in serious need of fixing. Women Members of Congress will hold a press conference tomorrow at 11 a.m. to call the attention of the Congress to this predicament. The Supreme Court handed down a decision, the Gebser decision, involving a ninth grade student who was assaulted by her teacher in as much as he had sexual intercourse with her over a period of time.

She sued under title 9 for sexual assault and harassment and the Court found that this Congress had not, in fact, given the Court sufficient guidance so that damages could be awarded under title 9.

This affair with a student began when she was in the eighth grade and joined a high school book discussion group. The teacher often made sexually suggestive remarks to her. Later on, when she went to the ninth grade and was assigned to his class, he lured her into sexual intercourse and apparently had sexual intercourse many times, including during class times.

This youngster did not report this relationship to school officials. She said she was uncertain how to act. I am sure she was utterly confused that this disproportionate power relationship had evolved in this direction. When her parents found out, of course they looked for remedies and among them was a remedy under title 7.

The Court found that she did not report the relationship to school officials. Surprise, surprise. But the Court also found that the school system had not distributed an official grievance procedure for how to lodge complaints with school officials, even though that is required under title 9.

So the Court found that one could not sue under title 9 for teacher-student sexual harassment unless the following four circumstances were met:

First, that the employee had supervisory power over the offending employee; actually knew of the abuse; had the power to end it; and failed to do so. Of course, the school system at top levels could not meet those standards.

Mr. Speaker, if in fact this were a title 7 matter involving a teacher and a principal, and the principal had sexually harassed the teacher in any way, then the teacher would have a cause of action against the school system under title 7. But here we have a minor child who has no cause of action under the only statute available to her.

Mr. Speaker, I can understand the Court's predicament. The Court had implied a cause of action for damages rather than gotten it from the wording of title 9. And so the Court simply does not know how far we in the Congress want the Court to go in allowing damages.

I do not think there is a Member of this body that would not regard damages lying against the school system as the way to deter this kind of harassment, this kind of affair, this kind of assault by a teacher on a student. But the court said, and I quote, absent further direction from Congress, the Court could not go further.

Mr. Speaker, I know I will be joined by other Members of this body, quite apart from the women Members, who will appear with me tomorrow at a press conference to suggest to this body that the only reason the damage element is not laid out is when title 9 was passed 25 years ago, who would have thought that we would be dealing with teacher affairs with an eighth and ninth grade student? No, we did not have it in our mind then.

We must have it in our minds now, because it has occurred and we are all embarrassed that there is no remedy. I do not believe we seek this remedy simply because the remedy would be deserved in regard to this case. And if ever there was a damage remedy deserved in this case, it is this case.

The reason this remedy is important here is that we want to deter this kind of conduct and we want to say to school systems that they must pass out a grievance system guidance manual that puts people on notice as to how to file a complaint. And if they do not, then they, themselves, will be liable under the statute.

I am sure that that is what we mean. We must move to do so as soon after the school year for 1999-2000 begins. I regret that this occurred. It is time though for the Congress to move forward and meet its obligations to correct the statute.

#### PRIVATIZATION EQUALS "SOCIAL INSECURITY"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today in support of preserving our Social Security system. Social Security